

General Assembly

Raised Bill No. 1097

January Session, 2019

LCO No. 6302



Referred to Committee on GOVERNMENT ADMINISTRATION AND ELECTIONS

Introduced by: (GAE)

AN ACT REQUIRING DISCLOSURE OF PRESIDENTIAL AND GUBERNATORIAL CANDIDATES' FEDERAL TAX RETURNS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- Section 1. Section 9-465 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):
- 3 (a) The name of a candidate shall be placed on the ballot at a 4 primary of a party either: [(a)] (1) By direction of the [secretary] 5 Secretary when he or she determines, within the time specified in section 9-466, as amended by this act, that the candidacy of such 6 7 person for such party's nomination for President is generally and 8 seriously advocated or recognized according to reports in the national 9 or state news media, unless such candidate files a request as provided 10 in section 9-466, as amended by this act; or [(b)] (2) by petition to the [secretary] Secretary as provided in sections 9-467, 9-468 and 9-469, as 11
- 12 amended by this act, provided, in either case, such candidate shall
- 13 have publicly disclosed his or her federal income tax returns, in
- 14 accordance with subsection (b) of this section, for the three years

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- 15 <u>immediately preceding such primary</u>.
- 16 (b) A candidate shall publicly disclose his or her federal income tax
- 17 returns, not later than four o'clock p.m. on the seventy-fifth day
- 18 preceding the day of the primary, by filing with the Secretary a copy of
- 19 <u>such returns and providing written authorization to the Secretary for</u>
- 20 the publication of such returns on the Internet web site of the office of
- 21 <u>the Secretary of the State, which publication shall occur not later than</u>
- 22 seven days after such filing.
- 23 Sec. 2. Section 9-466 of the general statutes is repealed and the
- following is substituted in lieu thereof (*Effective October 1, 2019*):
- 25 The Secretary shall, at ten o'clock a.m. on the seventy-fourth day
- 26 preceding the day of the primary, publicly announce a list of
- 27 candidates whose names are to be placed on the ballot of each party at
- 28 such primary pursuant to subdivision (1) of subsection (a) of section 9-
- 29 465, as amended by this act, except that the name of each candidate
- 30 who has failed to publicly disclose his or her federal income tax return,
- 31 <u>in accordance with subsection (b) of said section, shall not appear on</u>
- 32 <u>such list</u>. Forthwith upon announcing such list, said Secretary shall
- 33 notify each such candidate whose name appears on such list, by
- registered mail with return receipt requested, that his <u>or her</u> name will
- be included on the ballot unless he <u>or she</u> files with the Secretary, not
- 36 later than twelve o'clock p.m. of the thirty-sixth day before the
- 37 primary, a written request, signed by the candidate, to the following
- 38 effect: "I request that my name be omitted from the ballot at
- 39 Connecticut's forthcoming (name of party) presidential preference
- 40 primary". The name of any candidate who files a request as provided
- 41 by this section, within the time specified, shall be omitted from the
- 42 ballot, but no such withdrawal shall be honored if it is received later
- than the time specified by this section.
- Sec. 3. Section 9-469 of the general statutes is repealed and the
- 45 following is substituted in lieu thereof (*Effective October 1, 2019*):
- The Secretary shall complete tabulation of the signatures on such

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petitions not later than the forty-sixth day preceding the day of the primary. The Secretary shall place on the ballot of each party at the primary the name of each candidate whose petition has been signed by a number of enrolled members of such party equal to at least one per cent of the total number of enrolled members of such party in the state, according to the most recent enrollment records on file in the office of the Secretary, provided such candidate shall have publicly disclosed his or her federal income tax returns, in accordance with subsection (b) of section 9-465, as amended by this act, for the three years immediately preceding such primary. No candidate who has filed a statement of consent pursuant to the provisions of section 9-467 and whose name is placed on the ballot pursuant to the provisions of this section shall be permitted to withdraw his or her name from such ballot.

- Sec. 4. Section 9-175 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):
- (a) (1) The electors in the several towns in the state, at the state election in 1964, and quadrennially thereafter, shall elect electors of President and Vice President of the United States, not exceeding in number the whole number of senators and representatives to which the state is then entitled in the Congress of the United States. Voting shall be conducted and the result declared, and the returns thereof made, as is provided in respect to state elections. The Secretary of the State shall, on or before the first Monday of October of the year in which such presidential electors are to be elected, transmit blank forms to the several town clerks for the return of the votes; and the lists and returns of the votes shall be made out, certified and directed according to such forms. When an election is to be held for the choice of presidential electors, if any political party has nominated candidates for President and Vice President of the United States, and presidential electors to vote for such presidential and vice presidential candidates have been nominated by a political convention of such party in this state, or in such other manner as entitles the names of such electors to be placed upon the official ballots to be used in such election, the

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Secretary of the State and any other official charged with the preparation of official ballots to be used in such election, in lieu of placing the names of such presidential electors on such official ballots, shall place on such official ballots a space with the words "Presidential electors for (here insert the last name of the candidate for President, the word 'and' and the last name of the candidate for Vice President)", [; and a vote cast therefor] provided both such nominated candidates of such party shall have publicly disclosed their respective federal income tax returns, in accordance with subdivision (2) of this subsection, for the three years immediately preceding such election, except as provided in subsection (c) of this section. A vote cast in such space on such official ballots shall be counted, and shall be in all respects effective, as a vote for each of the presidential electors representing such candidates for President and Vice President.

(2) Except as provided in subsection (c) of this section, a candidate nominated by a political party for President or Vice President of the United States shall publicly disclose his or her federal income tax returns, not later than four o'clock p.m. on the sixty-third day preceding such election, by filing with the Secretary of the State a copy of such returns and providing written authorization to the Secretary for the publication of such returns on the Internet web site of the office of the Secretary of the State, which publication shall occur not later than seven days after such filing.

(b) (1) In the case of a write-in candidate for President of the United States, such candidate may register his or her candidacy with the Secretary of the State by submitting his or her name and the names of a vice presidential candidate and candidates for the office of elector in a number not exceeding the whole number of electors to which the state is then entitled. Such registration shall be on a form prescribed by the Secretary of the State, which form shall include a statement of consent to being a candidate by each proposed candidate for elector and by the candidate for Vice President. Such registration shall not include a designation of political party. A candidate for President may register at any time after January first of the election year and not later than four

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115 o'clock p.m. on the fourteenth day preceding the election at which the 116 offices of presidential elector and vice presidential elector are being 117 contested, provided both such candidates for President and Vice President shall have publicly disclosed their respective federal income 118 119 tax returns, in accordance with subdivision (2) of this subsection, for 120 the three years immediately preceding such election, except as 121 provided in subsection (c) of this section. If a candidate has so registered, a vote may be cast by write-in ballot for such candidate by 122 123 writing in the last name of the candidate for President and the last 124 name of the candidate for Vice President or only the last name of the 125 candidate for President; such write-in ballot shall be counted, and shall 126 be in all respects effective, as a vote for each of the presidential electors 127 representing such candidates for President and Vice President. No person nominated for the office of President, Vice President, or 128 129 presidential elector by a major or minor party or by nominating 130 petition shall register as a write-in candidate for such office under the 131 provisions of this section and any such registration of a write-in 132 candidacy filed by such a person shall be void.

(2) Except as provided in subsection (c) of this section, a write-in candidate for President or Vice President of the United States shall publicly disclose his or her federal income tax returns, not later than four o'clock p.m. on the sixty-third day preceding such election, by filing with the Secretary of the State a copy of such returns and providing written authorization to the Secretary for the publication of such returns on the Internet web site of the office of the Secretary of the State, which publication shall occur not later than seven days after such filing.

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(c) If a candidate described in subsection (a) or (b) of this section has already publicly disclosed his or her federal income tax returns in accordance with subsection (b) of section 9-465, as amended by this act, he or she shall not be required to make such disclosure pursuant to this section.

Sec. 5. Section 9-388 of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective October 1, 2019*):

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(a) Whenever a convention of a political party is held for the endorsement of candidates for nomination to state or district office, each candidate endorsed at such convention shall file with the Secretary of the State a certificate, signed by him or her, stating that he or she was endorsed by such convention, his or her name as he or she authorizes it to appear on the ballot, his or her full residence address and the title and district, if applicable, of the office for which he or she was endorsed. Such certificate shall be attested by either (1) the chairman or presiding officer, or (2) the secretary of such convention and shall be received by the Secretary of the State not later than four o'clock p.m. on the fourteenth day after the close of such convention. Such certificate shall either be mailed to the Secretary of the State by certified mail, return receipt requested, or delivered in person, in which case a receipt indicating the date and time of delivery shall be provided by the Secretary of the State to the person making delivery. If a certificate of a party's endorsement for a particular state or district office is not received by the Secretary of the State by such time and, in the case of such endorsement of a candidate for the office of Governor or Lieutenant Governor, if the party-endorsed candidate fails to publicly disclose his or her federal income tax returns, in accordance with subsection (b) of this section, for the three years immediately preceding the election for which such candidate was endorsed, such certificate shall be invalid and such party, for the purposes of section 9-416 and section 9-416a, shall be deemed to have made no endorsement of any candidate for such office. If applicable, the chairman of a party's state convention shall, forthwith upon the close of such convention, file with the Secretary of the State the names and full residence addresses of persons selected by such convention as the nominees of such party for electors of President and Vice-President of the United States in accordance with the provisions of section 9-175, as amended by this act.

(b) A candidate for Governor or Lieutenant Governor described in subsection (a) of this section shall publicly disclose his or her federal

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income tax returns, not later than four o'clock p.m. on the fourteenth day after the close of the state convention, by filing with the Secretary of the State a copy of his or her federal income tax returns and providing written authorization to the Secretary for the publication of such returns on the Internet web site of the office of the Secretary of the State, which publication shall occur not later than seven days after such filing.

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Sec. 6. Subsections (a) and (b) of section 9-400 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) (1) A candidacy for nomination by a political party to a state office may be filed by or on behalf of any person whose name appears upon the last-completed enrollment list of such party in any municipality within the state and who has either [(1)] (A) received at least fifteen per cent of the votes of the convention delegates present and voting on any roll-call vote taken on the endorsement or proposed endorsement of a candidate for such state office, whether or not the party-endorsed candidate for such office received a unanimous vote on the last ballot, or [(2)] (B) circulated a petition and obtained the signatures of at least two per cent of the enrolled members of such party in the state, in accordance with the provisions of sections 9-404a to 9-404c, inclusive. Candidacies described in [subdivision (1) of this subsection] subparagraph (A) of this subdivision shall be filed by submitting to the Secretary of the State not later than four o'clock p.m. on the fourteenth day following the close of the state convention, a certificate, signed by such candidate and attested by either [(A)] (i) the chairman or presiding officer, or [(B)] (ii) the secretary of the convention, that such candidate received at least fifteen per cent of such votes, and that such candidate consents to be a candidate in a primary of such party for such state office. Such certificate shall specify the candidate's name as the candidate authorizes it to appear on the ballot, the candidate's full residence address and the title of the office for which the candidacy is being filed. If such certificate for a state office is not received by the Secretary of the State by such time and, in

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the case of such certificate for the office of Governor or Lieutenant Governor, if the candidate fails to publicly disclose his or her federal income tax returns, in accordance with subdivision (2) of this subsection, for the three years immediately preceding the primary for which such certificate is being filed, such certificate shall be invalid and such party, for the purposes of sections 9-416 and 9-416a, shall be deemed to have made no valid certification of candidacy for nomination [by a political party for] to such state office. A single such certificate or petition for state office may be filed on behalf of two or more candidates for different state offices who consent to have their names appear on a single row of the primary ballot under subsection (b) of section 9-437. Candidacies described in [subdivision (2) of this subsection] subparagraph (B) of this subdivision shall be filed by submitting said petition not later than four o'clock p.m. on the sixtythird day preceding the day of the primary for such office to the registrar of voters of the towns in which the respective petition pages were circulated. Each registrar shall file each page of such petition with the Secretary of the State in accordance with the provisions of section 9-404c. A petition filed by or on behalf of a candidate for state office shall be invalid for such candidate if such candidate is certified as the party-endorsed candidate pursuant to section 9-388, as amended by this act, [or] is certified as receiving at least fifteen per cent of the convention vote for such office pursuant to this subsection or, in the case of a petition filed by or on behalf of a candidate for Governor or Lieutenant Governor, if such candidate fails to publicly disclose his or her federal income tax returns, in accordance with subdivision (3) of this subsection, for the three years immediately preceding the primary for which such petition is being filed. Except as provided in section 9-416a, upon the expiration of the time period for party endorsement and circulation and tabulation of petitions and signatures, if any, if one or more candidacies for such state office have been filed pursuant to the provisions of this section, the Secretary of the State shall notify all town clerks and registrars of voters in accordance with the provisions of section 9-433, that a primary for such state office shall be held in each municipality in accordance with the provisions of section 9-415.

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(2) A candidate for Governor or Lieutenant Governor described in subparagraph (A) of subdivision (1) of this subsection shall publicly disclose his or her federal income tax returns, not later than four o'clock p.m. on the fourteenth day after the close of the state convention, by filing with the Secretary of the State a copy of his or her federal income tax returns and providing written authorization to the Secretary for the publication of such returns on the Internet web site of the office of the Secretary of the State, which publication shall occur not later than seven days after such filing.

- (3) A candidate for Governor or Lieutenant Governor described in subparagraph (B) of subdivision (1) of this subsection shall publicly disclose his or her federal income tax returns, not later than four o'clock p.m. on the sixty-third day preceding the day of the primary for such office, by filing with the Secretary of the State a copy of his or her federal income tax returns and providing written authorization to the Secretary for the publication of such returns on the Internet web site of the office of the Secretary of the State, which publication shall occur not later than seven days after such filing.
- (b) A candidacy for nomination by a political party to a district office may be filed by or on behalf of any person whose name appears upon the last-completed enrollment list of such party within the district the person seeks to represent that is in the office of the Secretary of the State at the end of the last day prior to the convention for the party from which the person seeks nomination and who has either (1) received at least fifteen per cent of the votes of the convention delegates present and voting on any roll-call vote taken on the endorsement or proposed endorsement of a candidate for such district office, whether or not the party-endorsed candidate for such office received a unanimous vote on the last ballot, or (2) circulated a petition and obtained the signatures of at least two per cent of the enrolled members of such party in the district for the district office of representative in Congress, and at least five per cent of the enrolled members of such party in the district for the district offices of state senator, state representative and judge of probate, in accordance with

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the provisions of sections 9-404a to 9-404c, inclusive. Candidacies described in subdivision (1) of this subsection shall be filed by submitting to the Secretary of the State not later than four o'clock p.m. on the fourteenth day following the close of the district convention, a certificate, signed by such candidate and attested by either (A) the chairman or presiding officer, or (B) the secretary of the convention, that such candidate received at least fifteen per cent of such votes, and that the candidate consents to be a candidate in a primary of such party for such district office. Such certificate shall specify the candidate's name as the candidate authorizes it to appear on the ballot, the candidate's full residence address and the title and district of the office for which the candidacy is being filed. If such certificate for a district office is not received by the Secretary of the State by such time, such certificate shall be invalid and such party, for the purposes of sections 9-416 and 9-416a, shall be deemed to have made no valid certification of candidacy for nomination [by a political party for] to such district office. Candidacies described in subdivision (2) of this subsection shall be filed by submitting said petition not later than four o'clock p.m. on the sixty-third day preceding the day of the primary for such office to the registrar of voters of the towns in which the respective petition pages were circulated. Each registrar shall file each page of such petition with the Secretary in accordance with the provisions of section 9-404c. A petition may only be filed by or on behalf of a candidate for the district office of state senator, state representative or judge of probate who is not certified as the partyendorsed candidate pursuant to section 9-388, as amended by this act, or as receiving at least fifteen per cent of the convention vote for such office pursuant to this subsection. A petition filed by or on behalf of a candidate for the district office of representative in Congress shall be invalid if said candidate is certified as the party-endorsed candidate pursuant to section 9-388, as amended by this act, or as receiving at least fifteen per cent of the convention vote for such office pursuant to this subsection. Except as provided in section 9-416a, upon the expiration of the time period for party endorsement and circulation and tabulation of petitions and signatures, if any, if one or more

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320 candidacies for such district office have been filed pursuant to the provisions of this section, the Secretary of the State shall notify all 321 322 town clerks within the district, in accordance with the provisions of 323 section 9-433, that a primary for such district office shall be held in 324 each municipality and each part of a municipality within the district in 325 accordance with the provisions of section 9-415.

Sec. 7. Section 9-379 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

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- [No name of any candidate shall be printed on any official ballot at any election except the name of a candidate nominated by a major or minor party unless a nominating petition for such candidate is approved by the Secretary of the State as provided in sections 9-453a to 9-453p, inclusive.] (a) If a candidate is nominated by a major or minor party for an office to be voted upon at an election, or if a nominating petition of a candidate for any such office is approved by the Secretary of the State as provided in sections 9-453a to 9-453p, inclusive, the name of such candidate shall be printed on the official ballot at the election for such office.
- (b) (1) Notwithstanding the provisions of subsection (a) of this section, in the case of a candidate for Governor or Lieutenant Governor described in said subsection, the name of such candidate shall not be printed on the official ballot at the election for such office unless such candidate has publicly disclosed his or her federal income tax returns, in accordance with subdivision (2) of this subsection, for the three years immediately preceding such election.
- (2) (A) Except as provided in subparagraph (B) of this subdivision, a candidate for Governor or Lieutenant Governor shall publicly disclose his or her federal income tax returns, not later than four o'clock p.m. on the sixty-third day preceding such election, by filing with the Secretary of the State a copy of such returns and providing written authorization to the Secretary for the publication of such returns on the Internet web site of the office of the Secretary of the State, which

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- (B) If a candidate described in subparagraph (A) of this subdivision
 has already publicly disclosed his or her federal income tax returns in
 accordance with subsection (b) of section 9-388, as amended by this act,
 or subdivision (2) or (3), as applicable, of subsection (a) of section 9400, as amended by this act, he or she shall not be required to make
 such disclosure pursuant to this subsection.
- Sec. 8. Section 9-181 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

- At the state election to be held in 1966, and quadrennially thereafter, there shall be elected a Governor, Lieutenant Governor, Secretary, Treasurer, Comptroller and Attorney General to hold their respective offices from the Wednesday following the first Monday of the January next succeeding their election until the Wednesday following the first Monday of the fifth January succeeding their election and until their successors are qualified. When any political party has nominated candidates for the offices of Governor and Lieutenant Governor, their names shall be so placed upon the ballot in any such election that any elector will cast a single vote for both candidates, except that the name of neither such candidate shall be placed upon such ballot unless both such candidates publicly disclose their respective federal income tax returns in accordance with subsection (b) of section 9-379, as amended by this act.
- Sec. 9. Section 9-373a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):
 - (a) Any person desiring to be a write-in candidate for any state, district or municipal office to be filled at any regular election shall register his <u>or her</u> candidacy with the Secretary of the State on a form prescribed by the Secretary. The registration shall include the candidate's name and address, the designation and term of the office sought, a statement of consent to the candidacy, and any other information which the Secretary deems necessary. In the case of a

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write-in candidacy for the office of Governor or Lieutenant Governor, the registration shall include a candidate for each of those offices, or shall be void. The registration shall not include a designation of any political party. The registration shall be filed with the Secretary not more than ninety days prior to the election at which the office is to be filled and not later than four o'clock p.m. on the fourteenth day preceding the election, or the registration shall be void. No person nominated for an office by a major or minor party or by nominating petition shall register as a write-in candidate for that office under the provisions of this section, and any registration of a write-in candidacy filed by such a person shall be void. Notwithstanding any provision of this section to the contrary, any person desiring to be a write-in candidate for the municipal office of town meeting member in any town having a representative town meeting which has seventy-five or more members shall register his <u>or her</u> candidacy with the town clerk of such town not later than the last business day preceding such election. A person may register as a write-in candidate for a district or municipal office if such person's name appears on the last-completed registry list of the district or municipality represented by such office, as the case may be. A person may register as a write-in candidate for a state office if such person's name appears on the last-completed registry list of the state.

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(b) (1) Notwithstanding the provisions of subsection (a) of this section, the registration of a write-in candidacy for the office of Governor or Lieutenant Governor shall be void unless such candidate has publicly disclosed his or her federal income tax returns, in accordance with subdivision (2) of this subsection, for the three years immediately preceding such election.

(2) (A) Except as provided in subparagraph (B) of this subdivision, a write-in candidate for Governor or Lieutenant Governor shall publicly disclose his or her federal income tax returns, not later than four o'clock p.m. on the fourteenth day preceding such election, by filing with the Secretary of the State a copy of such returns and providing written authorization to the Secretary for the publication of such

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State, which publication shall occur not later than seven days after
such filing.

(B) If a candidate described in subparagraph (A) of this subdivision
has already publicly disclosed his or her federal income tax returns in
accordance with subsection (b) of section 9-388, as amended by this act,
or subdivision (2) or (3), as applicable, of subsection (a) of section 9425 400, as amended by this act, he or she shall not be required to make
such disclosure pursuant to this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	9-465
Sec. 2	October 1, 2019	9-466
Sec. 3	October 1, 2019	9-469
Sec. 4	October 1, 2019	9-175
Sec. 5	October 1, 2019	9-388
Sec. 6	October 1, 2019	9-400(a) and (b)
Sec. 7	October 1, 2019	9-379
Sec. 8	October 1, 2019	9-181
Sec. 9	October 1, 2019	9-373a

Statement of Purpose:

To require presidential and gubernatorial candidates to publicly disclose a minimum of their past three years' worth of tax returns in order to gain access to the primary and general election ballots.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

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